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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/657,250
Filing Date: September 06, 2000
Appellant(s): PIERRE ET AL.

RORY D. RANKIN
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04/03/09 appealing from the Office action mailed 02/23/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,446,136	POHLMANNA ET AL.	9-2002
5,699,107	LAWLER ET AL.	12-1997
6,598,169	WARWICK ET AL.	7-2003
6,108,695	CHAWLA	8-2000
6,636,901	SUDHAKARAN ET AL.	10-2003
2003/0159150	CHERNOCK ET AL.	8-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

A1. Claims 1-2, 4, 7-9, 12-15 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Pohlmann et al (6,446,136)** in view of **Warwick et al. (6,598,169)**.

As to claims 1 and 15, **Pohlmann** discloses an event management system and further discloses a system for booking events and initiating actions corresponding to the events, the system comprising:

The claimed limitation of "an event broker configured to register a plurality of event bookings in response to requests from one or more clients, where each said

event booking identifies an event which may occur in the future and an action to be taken should the identified event occur" is met by Figure 4, Item 413 (See Col 5, Lines 3-26).

The claimed limitation of "one or more event managers, where each of said one or more event managers is configured to detect particular types of events" is Figure 3, item 310.

The claimed limitation of "one or more action handlers, where each of said one or more action handlers is configured to initiate particular types of actions," is met by Figure 3, item 350.

The claimed limitation of "wherein each of said event broker, said clients, said event managers, and said action handlers comprise distinct functional entities" is met by Figure 3.

The claimed limitation of "wherein a first event manager of said one or more event managers is configured to notify said event broker of a first event which corresponds to a first event booking, in response to detecting said first event" is met by Figure 3-4 (See Col 5, Lines 67-Col 6, Lines 19).

The claimed limitation of "wherein the event broker is configured to notify a first action handler which corresponds to the first event booking, in response to receiving notification from the first event manager of the detected first event" is met by Figure 3-4 (See Col 8, Lines 1-13).

The claimed limitation of, "wherein the first action handler is configured to initiate a first action, in response to receiving notification from the event broker of the detected first event" is met by Figure 3-4 (See Col 11, Lines 10-26).

The claimed limitation of, "wherein a first request of the requests for an event booking identifies a first event which may occur in the future and a first action to be taken upon occurrence of said first event" is met by Figure 3-4 (See Col 6, Lines 20-35; Col 6, Lines 57-62).

Pohlmann fails to explicitly disclose "wherein the first request includes a description of the first event using a syntax which is unintelligible to the event broker but which is intelligible to a first event manager of the event managers".

However, note the **Warwick** reference figures 1-3, discloses system and method for accessing information made available by a kernel mode driver teaches where a request includes a description of the first event using a syntax which is unintelligible to the event broker but which is intelligible to a first event manager of the event managers (See: Col 7, Line 54-Col 8, Line 39; Col 2, Lines 49-65: Figure 5), so as to avoid the computer system from suffering the performance burden of having similar code all loaded in the kernel.

Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify Pohlmann with the teaching of Warwick so as to avoid the computer system from suffering the performance burden of having similar code all loaded in the kernel.

Pohlmann further fails to explicitly disclose that the event manager is configured to determine whether the booking will be accepted and provide a positive acknowledgement to the broker in response to determining that the event booking is accepted.

However, the examiner gives OFFICIAL NOTICE that it is notoriously well known in the art to use the concept of providing positive acknowledgement in response to determining that the entering of a task is accepted so as to ensure that the process performed by the system is performed. Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify Pohlmann with the concept of providing positive acknowledgement in response to determining that the entering of a task is accepted so as to ensure that the process performed by the system is performed.

As to claim 2, Pohlmann fails to explicitly disclose that the event manager is not configured to communicate directly with the first action handler.

However, it is submitted that it would have been clearly obvious to one of ordinary skill in the art to have the event manager not configured to communicate directly with the first action handler so as to have an intermediate step between the two modules such as a buffering device so as to alleviate any problems associated with real time communication.

Claims 4, 7-9, 17-21 are met by that discussed for claim 1.

In regard to claim 12, Pohlmann discloses that the event broker is configured to maintain ranks corresponding to said event bookings and, if a plurality of said events

have been detected, to initiate said corresponding actions in an order determined by said ranks (See Col 13, Lines 12-22).

As to claim 13, Pohlmann discloses that the clients are configured to access event bookings which have been stored by the event broker, said access comprising a query, a modification, or a termination of a stored event booking (See Col 13, Lines 23-29).

As to claim 14, Pohlmann fails to disclose that the booking has an expiration time.

However, the examiner gives OFFICIAL NOTICE that it is notoriously well known in the art to have an expiration time associated with a booking or a task so as to prevent system resources from being unnecessarily allocated.

Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify Pohlmann with an expiration time associated with a booking or a task so as to prevent system resources from being unnecessarily allocated.

A2. Claims 1, 5, 22-25 and 28-29 rejected under 35 U.S.C. 103(a) as being unpatentable over **Lawler et al. (US Pat No 5,699,107)** in view of **Pohlmann et al (6,446,136)** further in view of **Warwick et al (6,598,169)**.

As to claims 1 and 22, Lawler et al. discloses a program reminder system that reminds a user of an interactive viewing system when a pre-selected program is available. The reference is silent with respect to a first event manager, a first action handler, and an event broker mechanism. Pohlmann discloses a first event manager, a

first action handler, and an event broker mechanism as similarly recited in claim 1 so as to an integrated system for providing tools that utilize a compatible interface without significantly sacrificing tool functionality. Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify Lawler with a first event manager, a first action handler, and an event broker mechanism for the stated advantage. Lawler and Pohlmann fail to explicitly disclose "wherein the first request includes a description of the first event using a syntax which is unintelligible to the event broker but which is intelligible to a first event manager of the event managers." Warwick et al. teaches a "first request includes a description of the first event using a syntax which is unintelligible to the event broker but which is intelligible to a first event manager of the event managers" (See: Col 7, Line 54 - Col 8, Line 39; Col 2, Lines 49-65: Figure 5) so as to avoid the computer system from suffering the performance burden of having similar code all loaded in the kernel. Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify the combination of Lawler and Pohlmann with a "first request includes a description of the first event using a syntax which is unintelligible to the event broker but which is intelligible to a first event manager of the event managers" for the stated advantage.

As to claim 5, Lawler et al. discloses a system to remind a use of an event (i.e. the start of a television program). (Col 3, Lines 36-50).

As to claim 23, Lawler et al. discloses an interactive television system receiver coupled to receive a broadcast signal and configured to provide an output signal to a television. "The demodulator 52 functions as a conventional television tuner

for selecting one or more of multiple conventional analog video signals present at input 48" (Col 6, Lines 12-15). "The interactive station controller 18 also may include a graphics subsystem 62 that is controlled by the CPU 58 to form graphics images, including user interface displays, on the video display 20" (Col 6, Lines 32-35).

Claims 24 and 28-29 are met by that discussed for claims 1 and 22.

As to claim 25, the combined teaching fails to explicitly disclose that the event manager is not configured to communicate directly with the first action handler.

However, it is submitted that it would have been clearly obvious to one of ordinary skill in the art to have the event manager not configured to communicate directly with the first action handler so as to have an intermediate step between the two modules such as a buffering device so as to alleviate any problems associated with real time communication.

A3. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. in view of **Pohlmann et al (6,446,136)** in further view of **Warwick et al. (6,598,169)** and in further view of **Chawla (US Pat No 6,108,695)**.

As to claim 3, the combination of Lawler and Pohlmann, teach an event notification system implemented in a receiver for a broadcast system. The combination of references fails to explicitly disclose the use of a framework comprising a software layer between an application layer and a driver layer.

Chawla teaches the use of a software layer between the "application layer" or the media stream manager and the "driver layer" or the low-level software (Figure 3; Col 4,

Lines 6-12), which is preferred in order to increase system performance and user control.

Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify the combination of references with a software layer between the "application layer" or the media stream manager and the "driver layer" or the low-level software to increase system performance and user control.

As to claim 6, Chawla discloses a system for managing channels on a multiple channel digital media server. The reference fails to explicitly disclose the use of library extensions as claimed.

However, the examiner gives OFFICIAL NOTICE that it is notoriously well known in the art to use library extensions for addressing files.

Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement Chawla with library extensions for addressing files.

A4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Pohlmann et al (6,446,136)** in view of **Warwick et al. (6,598,169)** and in further view of **Sudhakaran et al (6,636,901)**.

As to claim 11, Pohlmann et al. discloses an event notification system. The reference fails to explicitly disclose that the event broker is configured to determine the recourses required and resolve resource conflicts.

Sudhakaran et al. teaches automatically determining the resources required and resolving any resource conflicts so that one or more resources can be shared between different functions in an error free fashion.

Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify Pohlmann et al. with automatically determining the resources required and resolving any resource conflicts so that one or more resources can be shared between different functions in an error free fashion.

A5. Claims 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Pohlmann et al (6,446,136)** in view of **Warwick et al. (6,598,169)** and in further view of **Chernock et al (2003/0159150)**.

As to claim 21, Pohlmann et al. discloses an event notification system. The reference fails to explicitly disclose actions as claimed. The reference fails to explicitly disclose a plurality of distinct event types and actions. Chernock teaches the use of plurality of distinct event types and actions. Some of these event types and actions are:

“Tuning the receiving device to play the subsequent program”

“Recording a subsequent program or its selected embedded content at the scheduled time on an external video recording medium for video, on an external audio recording medium for audio, and on internal or external digital data recording medium for other digital data”

“Reminding the user of the scheduled event at the scheduled time, with a video

or audio notification, which will allow the user to tune the STB device to play the program" (Paragraphs 0018-0020).

(10) Response to Argument

With respect to claims 1-2, 4, 7-9, 12-15 and 17-21 rejected under 35 U.S.C. 103(a) as being unpatentable over **Pohlmann et al (6,446,136)** in view of **Warwick et al. (6,598,169)**, Claims 1, 5, 22-25 and 28-29 rejected under 35 U.S.C. 103(a) as being unpatentable over **Lawler et al. (US Pat No 5,699,107)** in view of **Pohlmann et al (6,446,136)** further in view of **Warwick et al (6,598,169)** and the various 103(a) rejections, appellant traverses the rejections, recites features of the claim limitations, cites a few portions in Pohlmann reference, discusses the office action and further argues that, "...Pohlmann does not disclose such features..." that "...nowhere does Pohlmann disclose the event correlator is 'configured to register a plurality of event bookings in response to requests from one or more clients, wherein each said event booking identifies an event which may occur in the future and an action to be taken should the identified event occur.' Neither does the remaining cited art disclose such features." that "...Pohlmann does not disclose the event booking in the manner recited" and further argues that "...one would not be motivated to modify Pohlmann as suggested by the examiner."(see page 10 of 24+ of Appellant's Arguments).

In response, Examiner disagrees. Examiner notes Appellant's arguments, however, Pohlmann discloses An event broker (fig.4, Item 413) configured to register a plurality of event bookings in response to requests from one or more clients, where each the event booking identifies an event which may occur in the future ("...events that have yet to occur..." col.5, line 36-39) and an action to be taken should the identified event occur (col. 5, lines 3-39); one or more event managers (fig.3, Item 310), where each of the one or more event managers is configured to detect particular types of events; Pohlmann further discloses one or more action handlers (fig.3, Item 350), where each of the one or more action handlers is configured to initiate particular types of actions; where each of the event broker, the clients, the event managers, and the action handlers comprise distinct functional entities; where a first event manager of the one or more event managers is configured to notify the event broker of a first event which corresponds to a first event booking, in response to detecting said first event (figs.3-4, col. 5, lines 67-col 6, lines 19); where the event broker is configured to notify a first action handler which corresponds to the first event booking, in response to receiving notification from the first event manager of the detected first event is (col. 8, lines 1-13); where the first action handler is configured to initiate a first action, in response to receiving notification from the event broker of the detected first event (col. 11, lines 10-26); where a first request of the requests for an event booking identifies a first event which may occur in the future and a first action to be taken upon occurrence of the first event (col 6, Lines 20-35; Col 6, Lines 57-62). Pohlmann teaches registering a plurality of event bookings in response to requests from the client and identifies events that have

yet to occur (future events), but silent to where the first request includes a description of the first event using a syntax which is unintelligible to the event broker but which is intelligible to a first event manager of the event managers. However, this deficiency in Pohlmann is disclosed **Warwick**. Warwick discloses in figures 1-3, a system and method for accessing information made available by a kernel mode driver teaches where a request includes a description of the first event using a syntax which is unintelligible to the event broker but which is intelligible to a first event manager of the event managers (col. 7, line 54-col.8, line 39; col 2, lines 49-65 and fig.5). Hence, Examiner maintains the 103(a) rejection is proper, and should be sustained, since the rejection meets all the claim limitations.

As to the 103(a) rejection of claims 1, 5, 22-25 and 28-29 rejected under 35 U.S.C. 103(a) as being unpatentable over **Lawler et al. (US Pat No 5,699,107)** in view of **Pohlmann et al (6,446,136)** further in view of **Warwick et al (6,598,169)**. Lawler discloses a program reminder system that reminds a user of an interactive viewing system when a pre-selected program is available. Lawler is silent with respect to a first event manager, a first action handler, and an event broker mechanism. Pohlmann discloses a first event manager, a first action handler, and an event broker mechanism as discloses above with respect claim 1. Lawler as modified by Pohlmann, fail to explicitly disclose where the first request includes a description of the first event using a syntax which is unintelligible to the event broker but which is intelligible to a first event manager of the event managers. However, this deficiency is disclosed in Warwick, which teaches a first request includes a description of the first event using a syntax

which is unintelligible to the event broker but which is intelligible to a first event manager of the event managers (col. 7, line 54-col. 8, line 39; col. 2, lines 49-65 and figure 5). Hence, Examiner maintains the 103(a) rejection is proper, and should be sustained, since the rejection meets all the claim limitations.

As to Appellant's arguments that one would not be motivated to combine the references, Examiner maintains the test for obviousness is not whether the features of a secondary reference may be bodily incorporate into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. In this case Pohlmann teaches an event management system for dynamic correlation of events. Warwick discloses event management system for managing networks, applications, databases and devices, as such combining the teaching of Warwick with Pohlmann and the other 103(a) rejection would be within the knowledge of one of ordinary skill in the art and appropriate motivation was given. Hence, Examiner maintains the 103(a) rejection is proper, and should be sustained, since the rejection meets all the claim limitations.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Annan Q Shang/

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